

IN RE: PETITION FOR ZONING VARIANCE
S/S Joppa Road, 250' E of the
c/l of Snyder Lane
(2 Kings Place)
11th Election District
5th Councilmanic District
King's Place Joint Venture
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit construction of a dwelling, less than 25 feet in height, 23 feet from an adjacent dwelling in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Kenneth Colbert and Leslie Rock, Partners of Festival Homes, General Partner, appeared, testified and were represented by Robert J. Fuoco, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 2 Kings Place, consists of 0.14 acres zoned D.R. 5.5 and is presently unimproved. Said property is also known as Lot 2 of King's Place, a nine-lot subdivision located in the 4500 Block of Joppa Road. Testimony indicated the Petitioners purchased the recorded subdivision after the original owner had developed Lot 1. Petitioners testified that due to the location of existing improvements on Lot 1, the requested variance is needed to develop Lot 2 with a house consistent in size with other houses in the development. Mr. Colbert, Professional Civil Engineer, testified in detail as to the efforts made by Petitioners to develop the property in strict compliance with the zoning regulations. Testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of August, 1990 that the Petition for Zoning Variance to permit construction of a dwelling, less than 25 feet in height, 23 feet from an adjacent dwelling in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

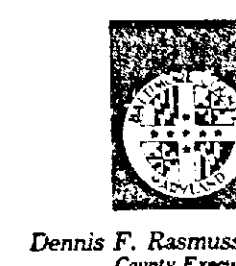
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

August 20, 1990



Robert J. Fuoco, Esquire
North Arundel Plaza, Suite 203
7477 Baltimore-Annapolis Boulevard
Glen Burnie, Maryland 21061

RE: PETITION FOR ZONING VARIANCE
S/S Joppa Road, 250' E of the c/l of Snyder Lane
(2 Kings Place)
11th Election District - 5th Councilmanic District
King's Place Joint Venture, et al - Petitioners
Case No. 90-493-A

Dear Mr. Fuoco:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Kenneth J. Colbert, Festival Homes, Inc.
115 Sudbrook Lane, Suite 205, Baltimore, Md. 21208

People's Counsel

File

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 31, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zebe Orlan
Publisher

PO 104627

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 5, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 31, 1990.

THE JEFFERSONIAN.

S. Zebe Orlan
Publisher

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-493-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.C.1.504(CMDP V.B.3.3) To allow construction of a dwelling (less than 25 ft. height) 23 ft. from an adjacent dwelling in lieu of the required 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Sufficient distance is not available on the lot to maintain the required spacing for a house consistent in size with other houses in the area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
Robert J. Fuoco
Type or Print Name: _____
Signature: _____
Address: 115 Sudbrook Lane, Suite 205
Towson, Maryland 21208
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Glen Burnie, Maryland 21061
City and State: _____
Name: _____
Address: _____
Phone No.: _____
Attorney's Telephone No.: 768-6733
Address: _____
Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of August, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of August, 1990, at 2:00 o'clock P.M.

ESTIMATED LENGTH OF HEARING - 1/2HR.
ALL PETITIONERS FOR HEARINGS
MAY PRESENT - 10:00 AM TO 12:00 PM
RECEIVED BY: J. Robert Haines
DATE: 4-23-90

90-493-A

ZONING DESCRIPTION

Beginning at a point on the South side of Joppa Road (60 feet wide) a distance of 250 feet, more or less, from the centerline of Snyder Lane. Being Lot 2 in the subdivision of King's Place as recorded in Baltimore County Plat Book 55, Folio 136, containing 0.14 acres. Also known as #2 Kings Place and located in the 11th Election District.



032790.127

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 7/1/90
Posted for: Notice
Petitioner: King's Place Joint Venture / Festival Homes, Inc.
Location of property: 2 Kings Place, S/S Joppa Road, 250' E of Snyder Lane, 11th Election District, 5th Councilmanic District
Location of Signs: Signs placed on property at 115 Sudbrook Lane, Suite 205, Towson, Md. 21208
Remarks: _____
Posted by: Robert J. Fuoco Date of return: 7/1/90
Number of Signs: 1

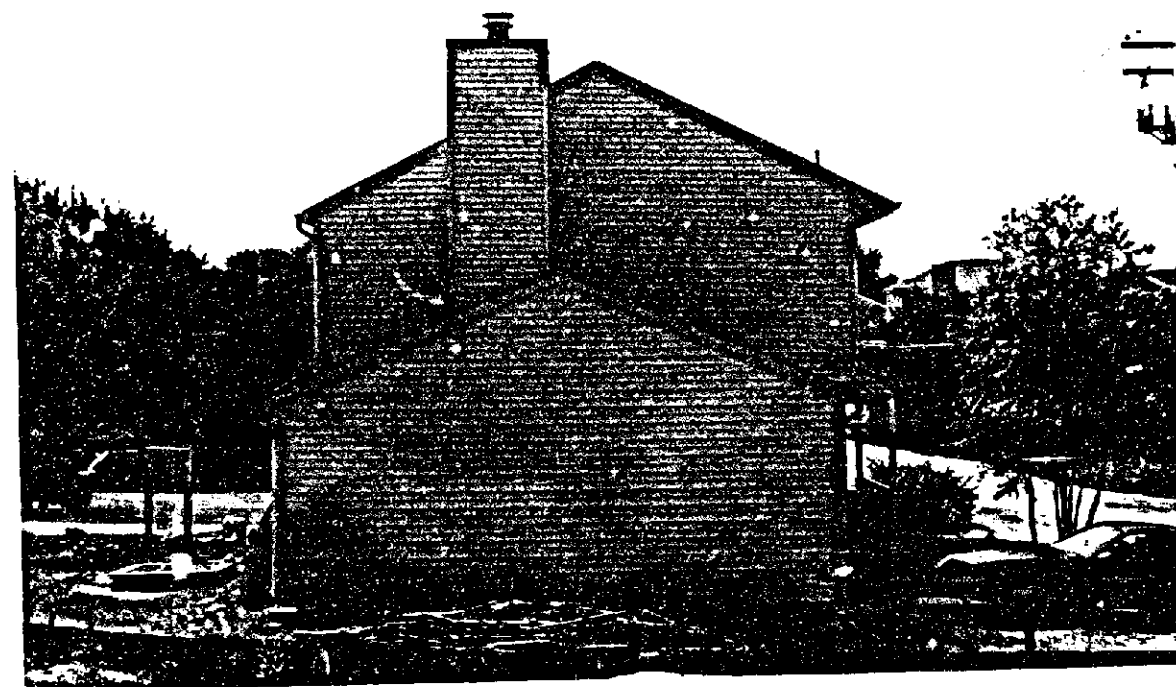
Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204		Account: R0016150 Number: <u>1886</u>
Date: <u>3/27/90</u>	H9009382	
PUBLIC HEARING FEES		
010 - ZONING VARIANCE (1RL)	QTY: <u>1</u>	PRICE: <u>\$35.00</u>
TOTAL: <u>\$35.00</u>		
LAST NAME OF OWNER: KINGS PLACE JOINT		
B 0445*****3500:8 0264F		
Please make checks payable to: Baltimore County		
Cashier Validation: _____		

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 10:00 a.m.
Petitioner(s): King's Place Joint Venture / Festival Homes, Inc.
Hearing Date: Tuesday, July 10, 1990 at 10:00 a.m.
Variance to allow construction of a dwelling less than 25 ft. height, 23 ft. from an adjacent dwelling in lieu of the required 25 ft.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, retain the authority to suspend the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NJ5454 May 31



EXISTING RESIDENCE ON LOT 1

**PETITIONER'S
EXHIBIT** 54



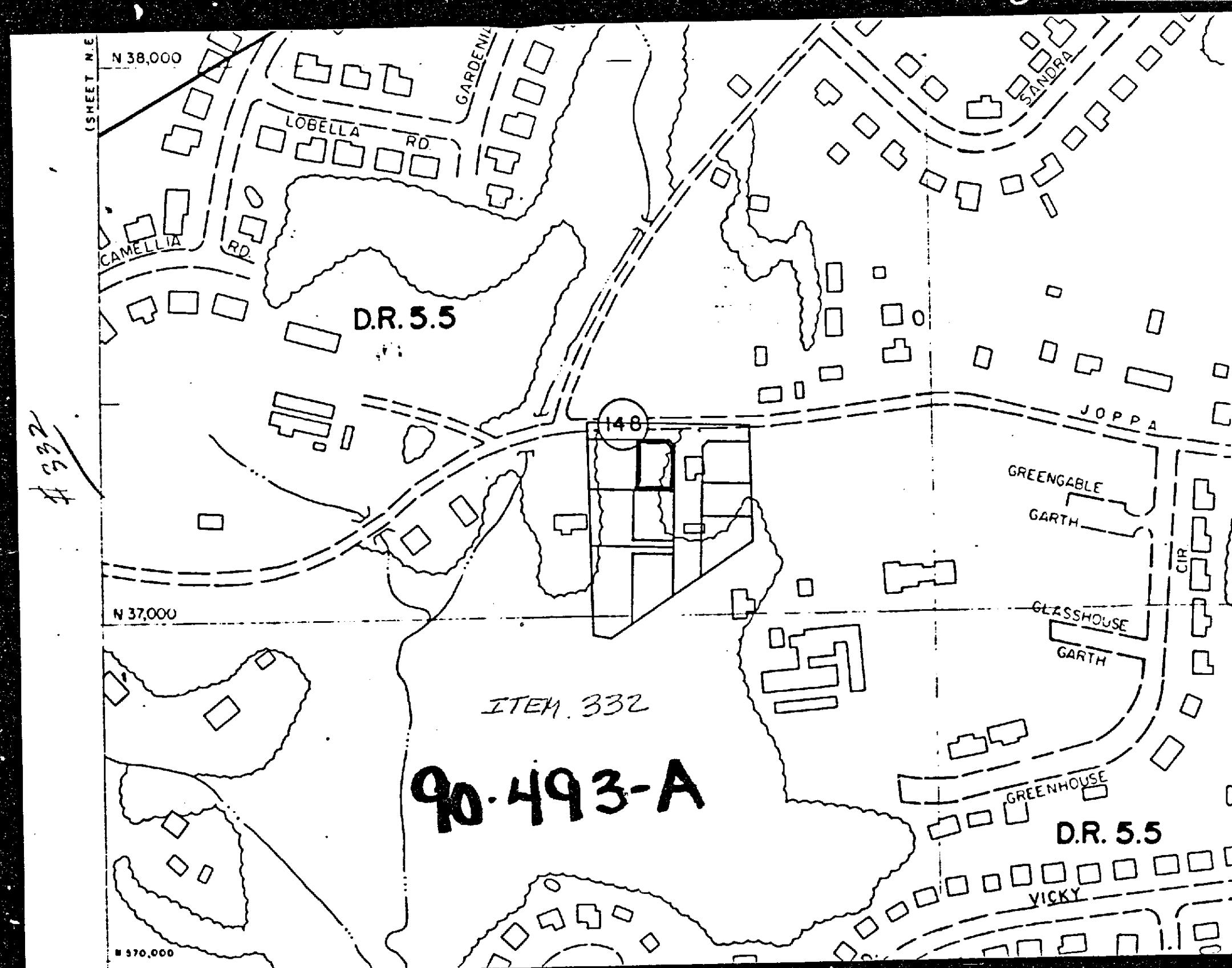
EAST SIDE OF EXISTING RESIDENCE ON LOT 1

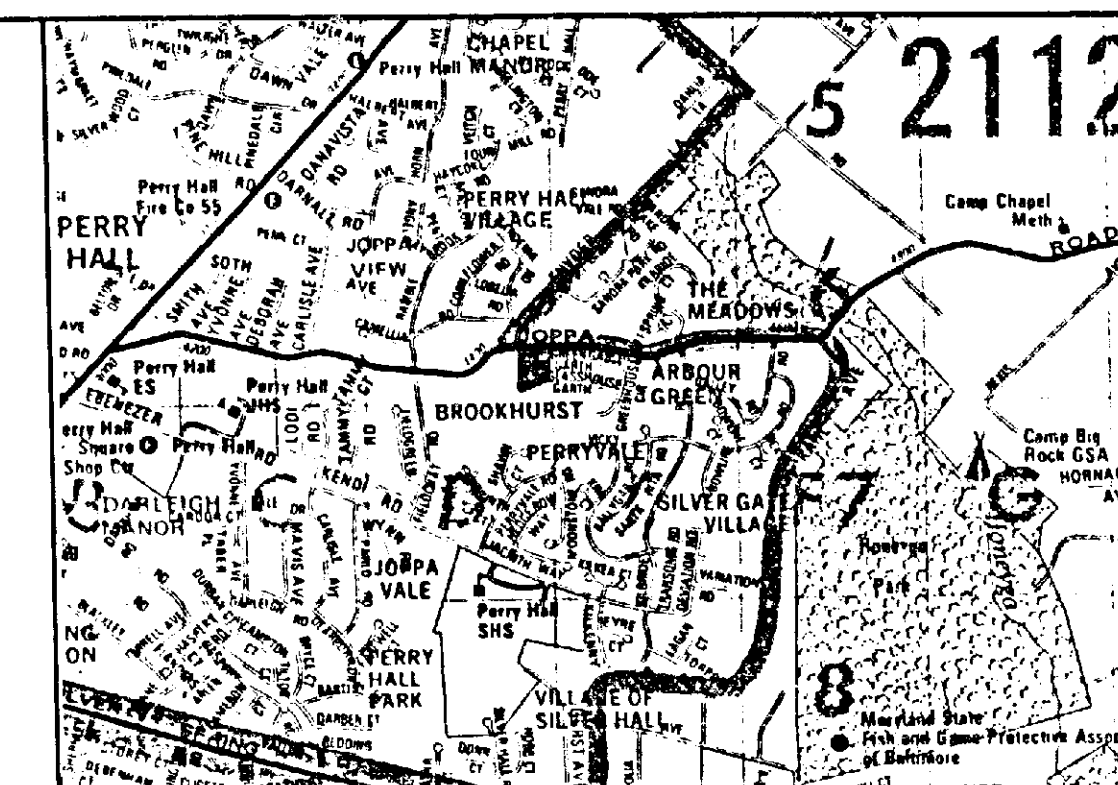
**PETITIONER'S
EXHIBIT** 53



EXISTING MODEL HOUSE ON LOT 9

**PETITIONER'S
EXHIBIT** 54





LOCATION MAP: SCALE: 1" = 2000'

ALBERTA R. &
GEORGE J. WEISE
G.L.B. 3257/274
N/F
ZONED DR 5.5

PAULINE M. SCHWARTZ
G.L.B. 2897/289
N/F
ZONED DR 5.5

GENERAL NOTES:

AREA OF OVERALL TRACT.....2.09 AC.
AREA OF LOT 2.....0.14 AC.
AREA OF LOT 7.....0.16 AC.
EXISTING ZONINGDR 5.5

VARIANCE NO. 1:

LOT 2, #2 KINGS PLACE

VARIANCE TO SECTION 1801.C.1 AND CMDP SECTION V.B.3 TO PERMIT CONSTRUCTION OF A DWELLING 15 FEET FROM AN ADJACENT DWELLING IN LIEU OF THE REQUIRED 15 FEET.

VARIANCE NO. 2:

LOT 7, #5 KINGS PLACE

VARIANCE TO SECTION V.B.5.B OF THE CMDP TO PERMIT CONSTRUCTION OF A DWELLING 15 FEET FROM THE TRACT BOUNDARY IN LIEU OF THE REQUIRED 30 FEET

PLAN TO ACCOMPANY
ZONING VARIANCE HEARING
FOR LOT 2 AND LOT 7

KING'S PLACE

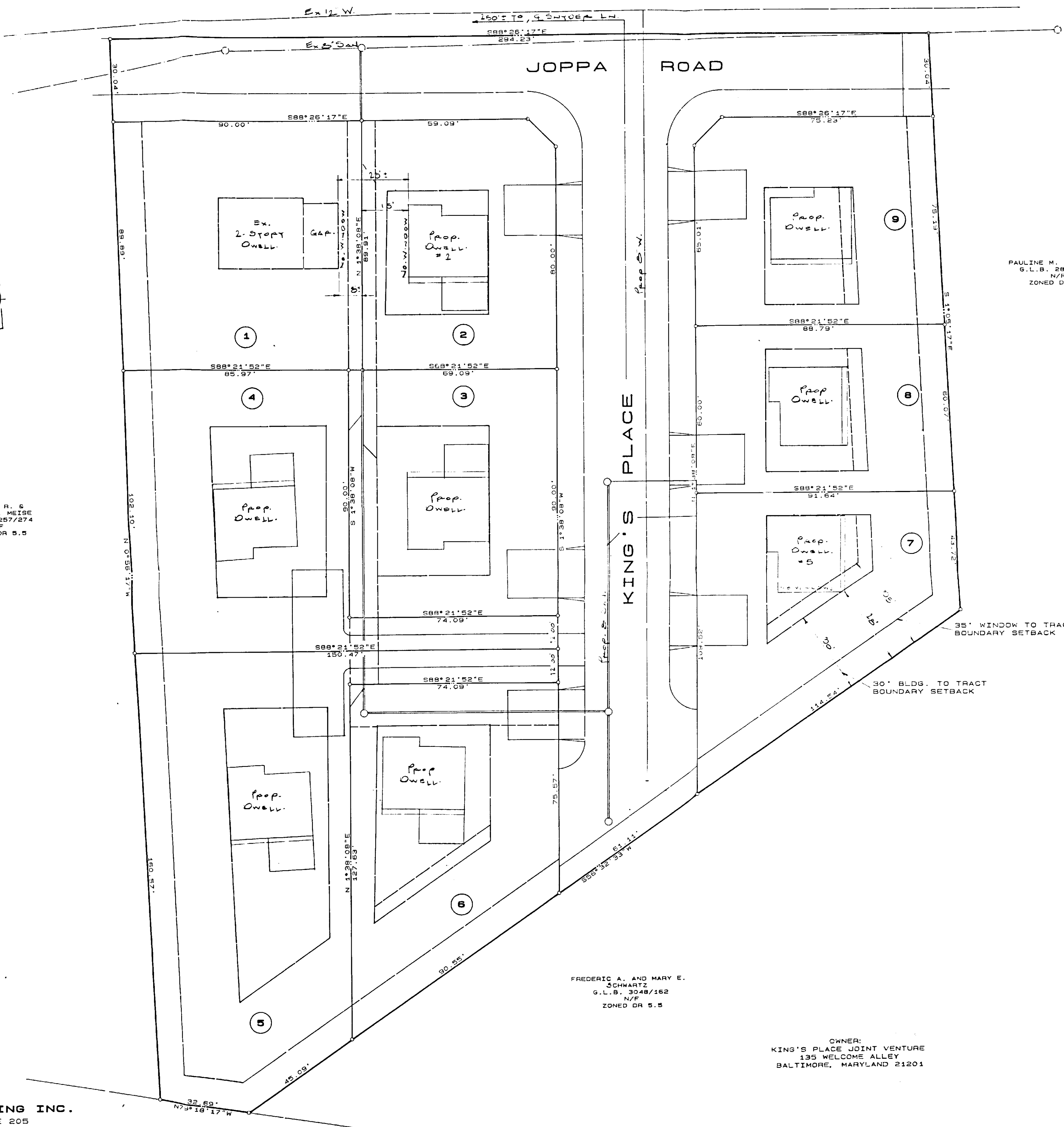
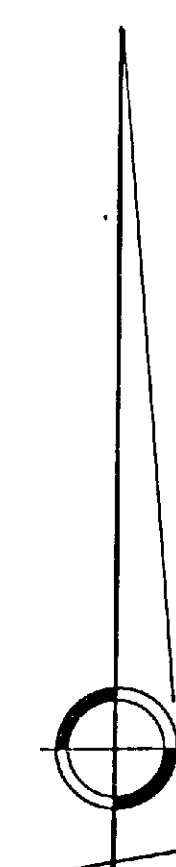
S.M. 55/136
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' DATE: MARCH 27, 1990

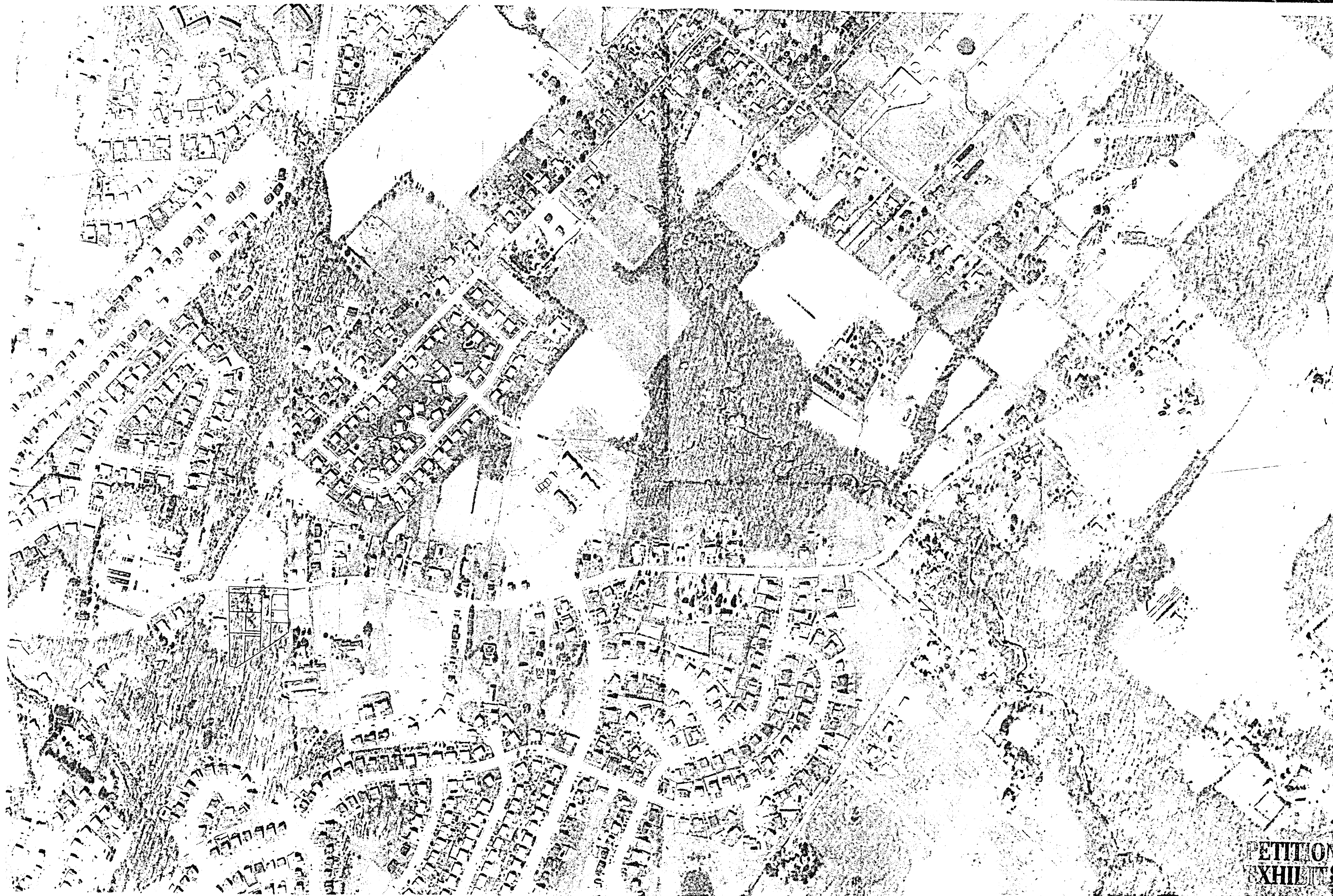
PETITIONER'S
EXHIBIT 1

OWNER:
KING'S PLACE JOINT VENTURE
135 WELCOME ALLEY
BALTIMORE, MARYLAND 21201

FREDERIC A. AND MARY E.
SCHWARTZ
G.L.B. 3048/162
N/F
ZONED DR 5.5

COLBERT ENGINEERING INC.
115 SUDBROOK LANE, SUITE 205
BALTIMORE, MARYLAND 21208
PHONE: (301) 653-3838





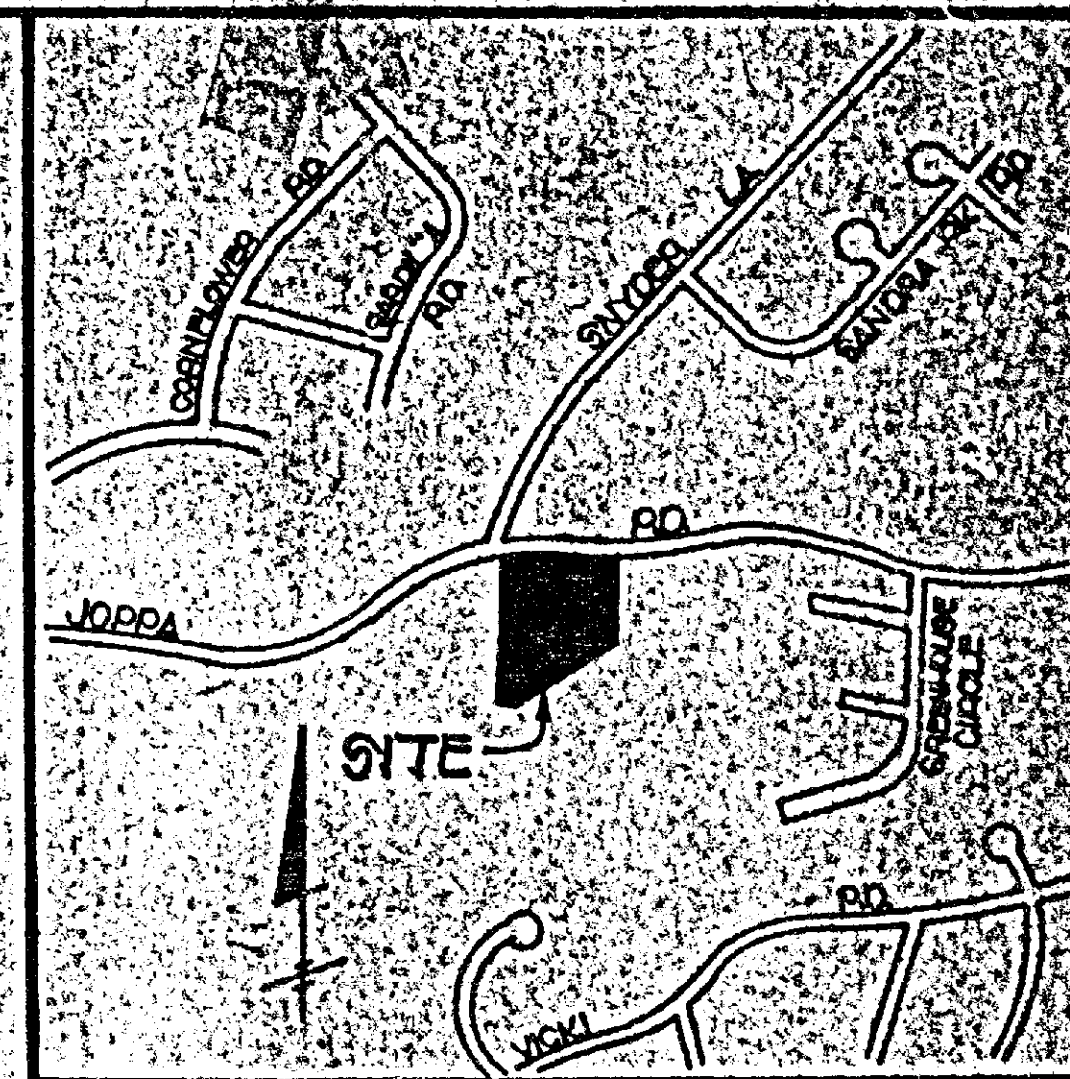
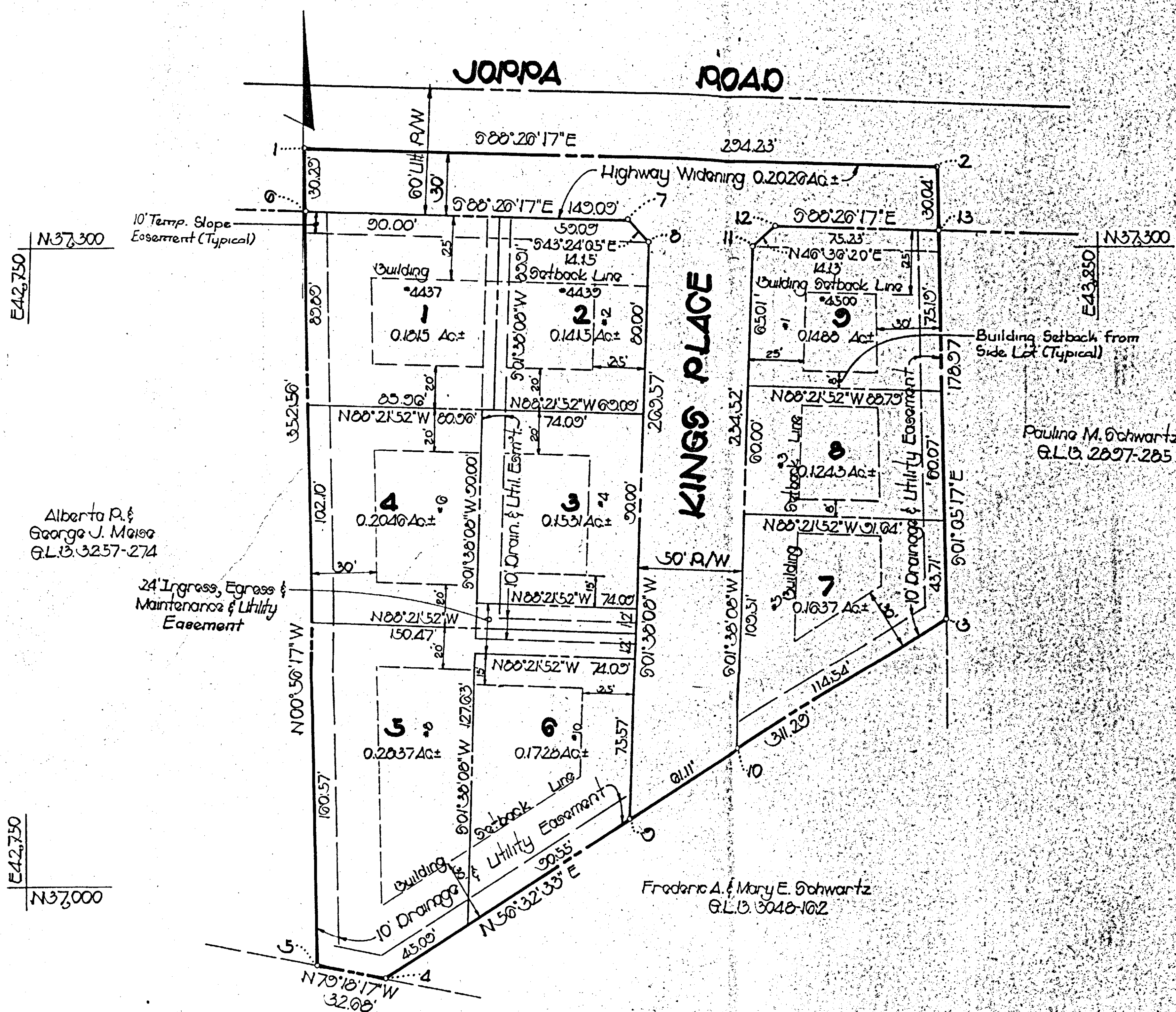
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PETITIONER'S
EXHIBIT 2

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL VICINITY	NE 10-H
DATE OF PHOTOGRAPHY JANUARY 1966		

COORDINATES

Point	North	East
1	37,345.27	42,881.28
2	37,337.25	43,175.39
3	37,128.29	43,179.30
4	36,956.67	42,919.65
5	36,962.73	42,887.54
6	37,315.25	42,881.77
7	37,311.18	43,030.79
8	37,300.91	43,040.51
9	37,031.45	43,032.82
10	37,065.14	43,063.80
11	37,299.50	43,090.49
12	37,300.27	43,100.76
13	37,307.22	43,175.96



VICINITY MAP
Scale: 1"=500'

GENERAL NOTES

1. Gross Site Area - 2.09 Ac±
2. Net Site Area - 1.89 Ac±
3. Existing Zoning - DR-55
4. Density Calculations:
Number of lots allowed - (2.09 x 5.5) = 11
Number of lots proposed - 13
5. This plat may expire in accordance with the provisions of Section 22-62 of the City of Baltimore.
6. The information shown hereon may be superseded by a subsequent or amended plat.
7. Recording of this plat does not guarantee installation of streets or utilities by Baltimore County.
8. Additional information concerning this plat may be obtained from the Office of Planning and Zoning, and the Dept. of Public Works.
9. Subdivision Plans were approved on June 21, 1985.
10. CRG Plan approved June 9, 1986.
11. Recording of the plat does not constitute an implied acceptance by the county of any easement, park, open space or other public area shown on the plat.
12. Deed Ref: 7337/800
13. Storm Water Management waiver granted.
14. L.O.S. Waived - 10/11/84

S.M. 55 FOLIO 136

NO.	DATE	DESCRIPTION
1	10/11/84	REVISIONS
2		
3		
4		
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20		

SPELLMAN LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 110, JEFFERSON BLDG., TOWSON, MD. 21204
PHONE: 823-3531

TRIDENT DEVELOPMENT CORP.
7 LEADBURN COURT
TOWSON, MD. 21204

FINAL RECORD PLAT OF KING'S PLACE
4501 Joppa Rd
11TH Election District - Baltimore Co., MD.
SCALE: 1"=50' DES. BY: J.L.L.
DATE: Feb 11, 1985 DRA. BY: J.C.B. SITS: L.M.S.

Highway and Highway Widening Slope, Drainage & Utility Easements shown hereon are reserved unto the developer for hereby offered for dedication to Calto Co., Md. The developer, his personal representatives & assigns shall convey said areas by deed to Calto Co., Md. at no cost.

NOTE: Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:
X-13134 - N37350.01 X13135 - N37078.60
E42792.60 E42242.48

THE APPROVAL OF THIS PLAT IS BASED UPON A REASONABLE EXPECTATION THAT THE WATER AND SEWER SERVICE WHICH IS PLANNED FOR THE DEVELOPMENT WILL BE AVAILABLE WHEN NEEDED. HOWEVER, BUILDING PERMITS MAY NOT BE ISSUED UNTIL THE PLANNED WATER AND SEWER FACILITIES ARE COMPLETED AND DETERMINED TO BE ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.

PROPERTY # 11-11-035425
RWA Completed 11/85/4/25
Final Plat Checked
Planning: J.L.L. R.R.
Engineering: J.C.B. R.R.
City of Baltimore
Office No. 11-11-035425

Approved: DEPT. OF PUBLIC WORKS:
J.L.L. 12/3/84
DIRECTOR DATE
Approved: CALTO CO. HEALTH DEPARTMENT:
J.L.L. 12/1/84
DEPUTY STATE & COUNTY HEALTH OFFICER DATE
Approved: DEPT. OF PLANNING AND ZONING:
J.L.L. 11/1/84
DIRECTOR DATE



SURVEYORS CERTIFICATE

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-105 OF THE REAL PROPERTY ARTICLE OF ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

J.L.L. 12/3/84
PROFESSIONAL LAND SURVEYOR DATE

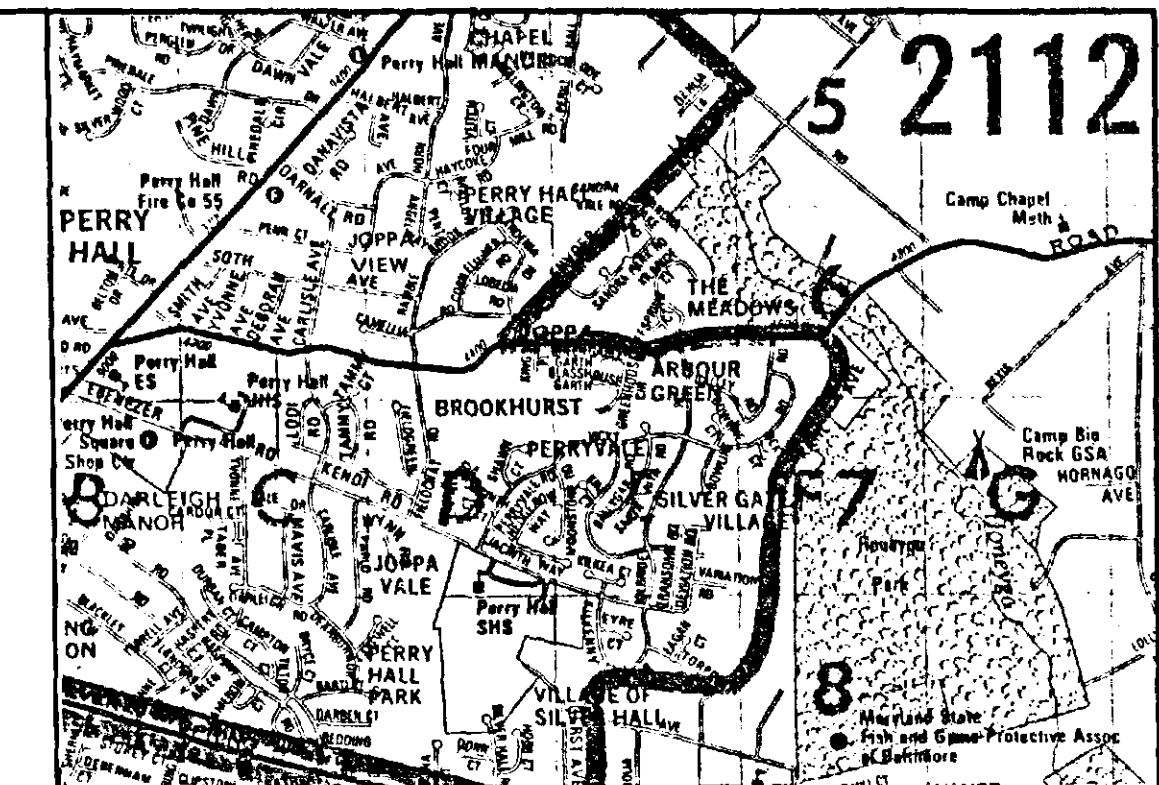
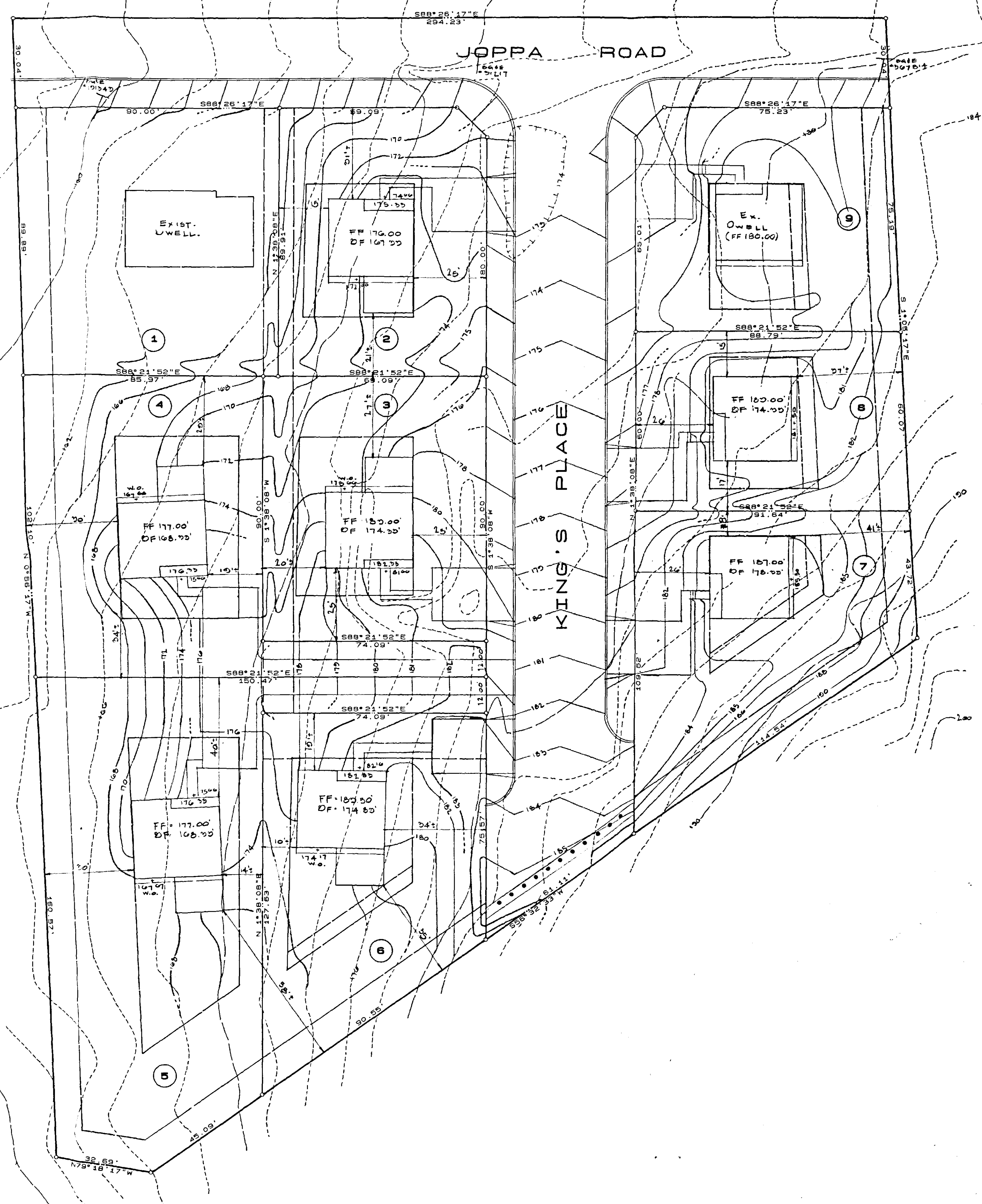
OWNERS CERTIFICATE

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION (C) OF SECTION 3-105 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.

J.L.L. 12/3/84
OWNER DATE

NOTE

THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE DEEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.



LOCATION MAP: SCALE: 1" = 2000'

**PETITIONER'S
EXHIBIT 4**

KING'S PLACE

S.M. 55/136
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' DATE: MARCH 1990

COLBERT ENGINEERING INC.
115 SUDBROOK LANE, SUITE 205
BALTIMORE, MARYLAND 21208
PHONE: (301) 653-3838